

REMARKS

A. Claims 3, 6 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which applicant regards as the invention. In response to this rejection, the appropriate claims have been amended and now particularly point out and distinctly claim the subject matter which applicant regards as the invention. No new matter is presented.

B. Claims 1-10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Marckardt reference, U.S. Pat. No. 3,756,386 in view of Baker et al., U.S. Pat. No. 4,341,302 and optionally Maletz et al. (EP 1153579 82).

Marckardt is cited for disclosing a first chamber containing a flowable substance and a second chamber where the first and second chambers are sealed in a liquid-tight manner. Furthermore, the reference is cited for disclosing a glue attachment which the Examiner states would constitute the claimed sealing layers.

The Baker reference is cited for disclosing a plastic-foil composite structure for the cover film. The rejection is based on the position that it would have been obvious to modify the package of Marckardt to form a cover film.

Independent claim 1 is not obvious over the cited art since the combination of the cited art does not disclose the first sealing layer (19) formed of at least one polyolefin. In the rejection, the Examiner specifically refers to the Marckardt specification as disclosing a sealing layer. However, the reference only discloses a seam area between the two chambers. This seam area serves to function as a “readily rupturable” zone and not a sealing layer at all. (Col. 3, lines 5-7) Accordingly, claim 1 is not obvious over the combination of the Marckardt and Baker et al. references.

The Maletz et al. reference was mainly cited for disclosing a weakened zone for penetration by applicator. The Peuker et al. reference was cited for disclosing dispensing packages for simplified storage, but fails to remedy the deficiencies of the primarily-cited Marckardt and secondarily-cited Baker et al. references.

The dependent claims are also allowable as depending from an allowable base claim and for reciting additional features of the invention that are not disclosed or suggested in combination with the features of claim 1. For example, none of the Marckardt, Baker et al., Maletz et al or the Peuker et al. references disclose the preferred thicknesses of the sealing layers of both the cover film and the base film. Furthermore, claims 2-12 ultimately depend

on amended independent claim 1 and are patentable distinct for the same reasons as independent claim 1.

Prompt and favorable examination on the merits is requested.

Respectfully submitted,



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